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October 16, 2014

BY ECF and
BY U.S. MAIL

The Honorable Louis L. Stanton
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

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Re: Ronard Lora, et al., v. J.V. Car Wash, Ltd., et al., No. 11-CV-9010 (LLS)

Dear Judge Stanton:

As you know, we represent the Plaintiffs in the above-referenced action (the “FLSA Action”). This letter is to provide the Court with an update on the status of this FLSA Action, and of the bankruptcy cases of the Defendants Jose Vazquez (“Mr. Vazquez”), J.V. Car Wash, Ltd., Harlem Hand Car Wash Corp., Webster Hand Car Wash Corp. and Bayway Hand Car Wash Corp. (the “Car Wash Defendants”). As described below, Bankruptcy Counsel for Mr. Vazquez and the Car Wash Defendants, and Special Litigation Counsel for the Car Wash Defendants, join in this letter requesting a further extension of the dates set forth in the Court’s Memo Endorsed Order dated August 1, 2014 (the “August 1 Order”).

Status.

The parties commenced settlement discussions during this past August and September. As part of those discussions, we provided detailed damages analyses for each of the eighteen Plaintiffs, together with other information on the FLSA Action, to the Chapter 11 Trustees and their counsel. On September 8, 2014, Steven Arenson, Esq., and I, on behalf of the Plaintiffs, met with both Chapter 11 Trustees (Donald V. Biase, Esq., the Chapter 11 Trustee for the four Car Wash Defendants, and Donald F. Conway, CPA, the Chapter 11 Trustee for Mr. Vazquez), as well as with Daniel M. Stoltz, Esq., of Wasserman, Jurista & Stoltz, P.C. (Bankruptcy Counsel for Mr. Biase), Stacy L. Meisel, Esq., of Becker Meisel LLC (Bankruptcy Counsel for Mr. Conway), and Wendy J. Mellk, Esq., of Jackson Lewis P.C. (Special Litigation Counsel to the Chapter 11 Trustees). While the parties made progress during that meeting, we were unable to reach agreement on settlement terms at that time.

Since that September 8 meeting, the parties are continuing to make diligent efforts to resolve the FLSA Action. Nevertheless, the parties acknowledge that they may not be able to bridge the differences in their respective settlement positions without a trial, and that prudence dictates adhering to a Court-ordered schedule for trial preparations. For these reasons, we are requesting an extension of the pre-trial dates set forth in the August 1 Order.

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Request for Extension.

Under the existing August 1 Order, the deadline for the submission of all pre-trial materials is October 29, 2014; the final pre-trial conference is scheduled for October 31, 2014, at noon. Accordingly, to allow the parties to concentrate on settlement discussions, the parties jointly and respectfully request that these dates be re-scheduled as follows, subject to the Court's approval:

On or before Friday, November 7, 2014, Plaintiffs shall submit to Defendants a draft pre-trial order;

On or before Monday, December 1, 2014, Defendants shall respond to Plaintiffs' pre-trial order in accordance with Rule 3(A)(2) of the Court's individual practices; and

On or before Wednesday, December 17, 2014, at noon, the parties shall submit to chambers a joint pre-trial order, proposed voir dire questions, proposed jury charges, trial briefs and proposed verdict forms.

Final pre-trial conference to be held on Friday, December 19, 2014. (Given the early hour for sunset in December, we request on behalf of Mr. Arenson that the conference be held in the morning.)

We understand that the Court will likely set the trial date during the final pre-trial conference.

We thank the Court for its consideration of this request. We will, of course, continue to advise the Court of the status of the parties' settlement discussions.

Respectfully submitted,



Laura E. Longobardi

LEL:

cc: Wendy J. Mellk, Esq. (by electronic mail)
Daniel M. Stolz, Esq. (by electronic mail)
Stacy L. Meissel, Esq. (by electronic mail)

So
Ordered
Louis L
Stanton

12 o'clock noon

LLS

10/17/14